



**CITY OF SUNNYVALE
REPORT
Planning Commission**

January 23, 2006

SUBJECT: **2005-1174 – KC Associates** [Applicant] **AIP Steward Inc.**
[Owner]: Application for a on a 2.6-acre site The property is
located at **850 Stewart Drive** (near DeGuigne Dr) in an M-S
(Industrial & Service) Zoning District.

Motion Use Permit to allow a new seminary within 7,200 square feet
of an industrial office building.

REPORT IN BRIEF

Existing Site Industrial Office Building
Conditions

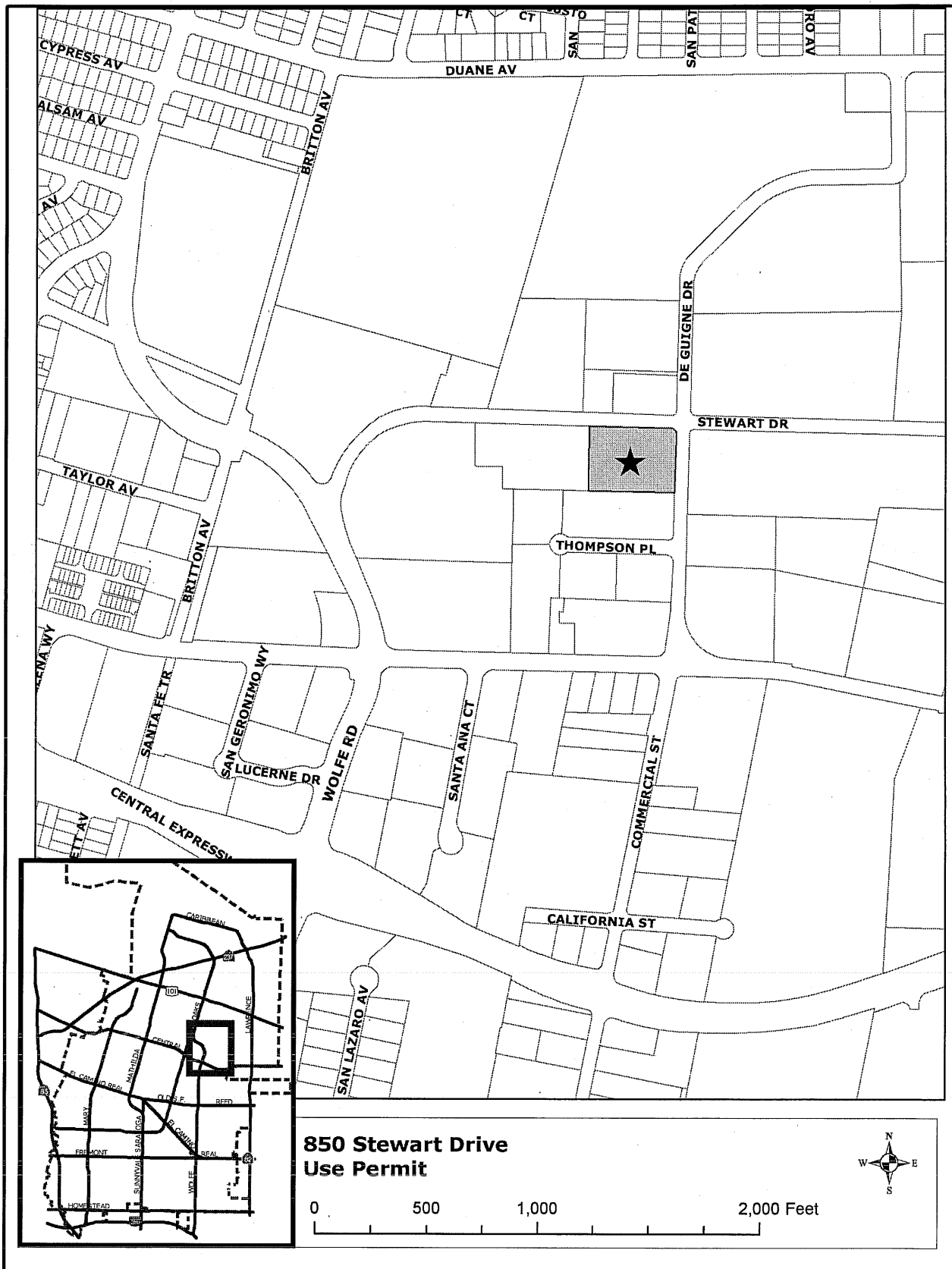
Surrounding Land Uses

North	Industrial Office/Restaurant
South	Industrial
East	Industrial
West	Industrial

Issues Parking, Compatibility with Surrounding Uses and
Zoning District

Environmental A Negative Declaration has been prepared in
Status compliance with California Environmental Quality
Act provisions and City Guidelines.

Staff Approve with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Industrial	Industrial
Zoning District	M-S Industrial and Service	M-S Industrial and Service	M-S Industrial and Service
Lot Size (s.f.)	111,922	111,922	22,500 min.
Gross Floor Area (s.f.)	46,900	46,900	39,172 max. w/o a Use Permit
Lot Coverage (%)	28	28	45 max.
Floor Area Ratio (FAR)	41.9	41.9	35 max. w/o a Use Permit
No. of Buildings On-Site	1	1 (with 9 approved condominium units)	N/A
Distance Between Buildings	N/A	N/A	N/A
Building Height (ft.)	28	28	75 max.
No. of Stories	2	2	8 max.
Setbacks (Facing Property)			
Front (Stewart Drive)	72	72	25 min.
Left Side	97	97	0 min./20 total
Right Side	66	66	0 min./20 total
Rear	67	67	0 min.
Landscaping (sq. ft.)			
Total Landscaping	16,165	22,561*	22,384 min.
Frontage Width (ft.)	22	22	15 ft. min.
% Based on Floor Area	34	48	10 min.
% Based on Parking Lot	25	39	20 min.
% Based on Lot Area	14	20	20 min.
Parking			
Total Spaces	179	192	187 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Standard Spaces	173	98	94 min.
Compact Spaces/ % of Total	0	45	50 max.
Accessible Spaces	6	6	6 min.
Aisle Width (ft.)	26	26	26 min.
Stormwater	N/A	N/A	N/A

* As required with previous approval of 2005-0497

ANALYSIS

Description of Proposed Project

The proposed project is for a new seminary to be located within the central one-story portion of the existing industrial building located 850 Stewart Drive. The site would be occupied by 5 employees during typical business hours during the week and up to 20 adult students would be present during seminars. The seminary use would operate on Tuesday and Thursday evenings from approximately 6:30pm to 10:00pm and on Saturdays from approximately 9:00am to 5:00pm.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0497	A Tentative Map and Use Permit to subdivide the lot into 9 condominium units and 1 lot	Planning Commission/ Approved	07/11/05
1994-0228	Master Sign Program	Staff / Approved	5/2/1994
1992-0104	Miscellaneous Plan Permit for Landscaping Modifications	Staff / Approved	5/26/1992
1979-0001	Use Permit to allow a 3,200 gallon Liquid Nitrogen Tank	Planning Commission / Approved	10/24/1979
1975-0508	Use Permit to allow an addition to an existing tank farm	Planning Commission / Approved	6/18/1975

The previous approved tank farm and the liquid nitrogen tank are no longer at the site. In July of this year, the site was reviewed and approved by the Planning Commission to allow a subdivision of the site as noted above.

The proposed use is not considered a "Place of Assembly" or "Recreational Use" as defined by the moratorium ordinance that is currently in place. An exemption for seminaries was approved by City Council at the October 25, 2005 meeting.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Site Layout: The site is located at the southwest corner of Stewart Drive and De Guigne Drive. The building is situated at the center of the lot with parking located on all four sides. No changes to the layout are proposed. The tenant proposes to occupy the central one-story portion of the building.

Architecture: There are no proposed changes to the architecture of the existing building.

Landscaping: No modifications to the existing landscaping are proposed with this project. Periphery parking lot landscaping will be increased as required by the previous Use Permit and Tentative Map approvals (2005-0497 if exercised and recorded). These increases will allow the site to meet the minimum code requirement of 20% of the lot area. The following considerations will also be reviewed as part of the final map approval:

- Where possible, additional trees will be incorporated into the landscape plan to increase parking lot shading to meet the 50% requirement. Protected trees in the street frontage areas will require approval of a tree protection plan in order to install required sidewalks.
- A meandering sidewalk plan will be considered in order to protect trees.
- The tree protection plan will also address protected trees that exist around the periphery of the building in areas where landscape construction will occur.

Sidewalks: Consistent with the previous approval of the Use Permit and Tentative Map application in July of 2005, the applicant will be required to install a sidewalk along Stewart Drive (Sidewalks already exist on DeGuigne Drive). A final sidewalk plan should indicate the preservation of any protected trees and street trees and any utilities that need to be adjusted to grade as a result of extending the sidewalk.

Parking/Circulation: When the previously approved Use Permit and Tentative Map application was initially approved, a mix of uses was permitted for the site. These uses included general industrial office, medical office and warehouse. Approved parking modifications along the rear of the site allowed the site to increase its capacity from 179 to 192 spaces. The proposed seminary use was not considered during the Tentative Map approval and therefore parking allotment for various uses on site will need to be modified. According to Sunnyvale Municipal Code Section 19.46, a combination of parking ratios should be applied to the proposed use. The following chart indicates the proposed uses and the required parking for the project.

Use /Floor Area	Rate	Required Parking
<i>Seminary, classrooms and library/reading rooms – approx. 2,335.5 s.f.</i>	1 space for every 21 of open area or seating space	111.2
<i>Remaining Area to be used for Office area – 4,869.5 s.f.</i>	1 space per 225 square feet	21.6
Total Required Parking of the Proposed Use		132.8 (133)
Total parking on-site		192
Remaining parking for the site		59

As noted above, only 59 spaces would remain for other uses on-site. Utilizing the above criteria, the site would be significantly limited in terms of allowable uses for the site. The applicant has indicated that only five employees would occupy the site during typical business hours; therefore parking demand for the site should be minimal. Seminars which take place on Tuesday and Thursday evenings would be attended by a maximum 20 adult students. Assuming each employee and student drives to the site, only 25 of the 192 spaces would be occupied; therefore, 152 spaces would be available for other uses. According to the approval of the Tentative Map (2005-0497), a combination of uses was utilized to meet parking requirements. If the proposed use is subtracted from the allotted general industrial office and warehouse uses; the following chart can be modified as noted:

Use	Sq. Ft.	Parking Ratio	Required Parking Spaces
Proposed Seminary/Office Use	7,205	*as conditioned*	25
Medical Office	3,307	1/200	17
General Office and Industrial	30,482	1/225	136
Warehouse	5,954	1/900	7
TOTAL REQUIRED	46,900	N/A	185
TOTAL PROVIDED			192

The above noted uses can be accommodated by this parking plan, as they are permitted in the M-S Zoning District (with the exception of the proposed use). Any future use that requires a Use Permit will be required to be reviewed and approved by the newly required owners association prior to review by the City. An alternative mix of uses that meets parking requirements can be considered through a Miscellaneous Plan Permit per Condition of Approval #1G.

Art in Private Development: This project is not required to provide art. Though art can be required through the Use Permit, staff is not recommending art installation as there is no new development associated with the building and it is not along a major expressway or arterial.

Compliance with Development Standards/Guidelines: As conditioned, the proposed project complies with all development standards for the M-S Zoning District. Upgrades to the parking, landscaping and sidewalks are required within the Conditions of Approval in accordance with the original Tentative Map approval.

Expected Impact on the Surroundings: Staff does not expect any significant impacts from the proposed seminary use. The seminary includes only adult students and employees and is not considered of any increased risk in terms of nearby hazardous materials or activities than a typical office use in this Zoning District. The proposed use does not increase peak hour traffic to the site. Parking and landscaping upgrades should benefit the site and neighboring properties.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 25 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

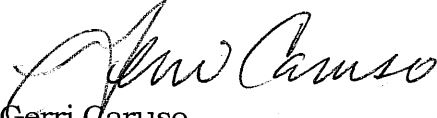
Recommendation

Alternative 1.

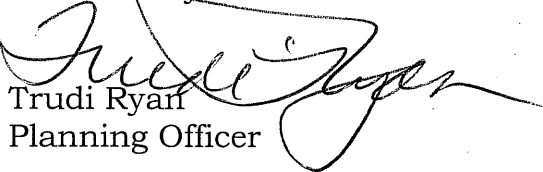
Prepared by:


Ryan M. Kuchenig
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Reviewed by:


Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Floor Plans
- E. Letter from the Applicant
- F. Photos of the Site

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Policy N1.6 *Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is not incompatible within the industrial neighborhood in terms of clientele and traffic impacts within the surrounding Industrial neighborhood. The proposed use also provides a meeting place that offers social and cultural support to employees of nearby commercial industrial businesses. The seminary also does not contain children that could be affected by nearby hazardous materials or activities or could impact the operation of surrounding facilities.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the proposed use, as conditioned, should not negatively impact the surrounding site or surrounding uses. Parking and traffic impacts to the site should be minimal. The proposed uses could be considered less intensive than other office and industrial uses that are allowed within the neighborhood by right. Conditions of Approval will require upgrades to the site which may increase the value of the property

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for any Building Permit for this project.
- D. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project and include annotated responses with the first building permit submittal on where each condition has been addressed.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Uses shall be limited to the following tenant spaces per the plans submitted for Planning Commission review:

Tenant Space	Use	Square Footage
A	Common Space	3,292
A1	Medical Office	3,387

A2	General Office	3,665
A3	General Office	3,646
A4	General Office	3,610
B1	Seminary	7,205
C	Common Area	3,781
C1	General Office	6,146
C2	Warehouse	3,624
C3	Industrial	2,330
C4	General Office	6,124
TOTAL		46,900

- G. Any proposed modifications to the uses and allowable floor areas noted by Condition of Approval #1E may be considered through a Miscellaneous Plan Permit provided that parking requirements are met.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements including required sidewalks on Stewart Drive.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

3. LANDSCAPING

- A. Final landscape and irrigation plans shall subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
1. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
 2. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
 3. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

4. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
 5. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
 6. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 7. All areas not required for parking, driveways or structures shall be landscaped.
- B. Provide increases in parking lot shading where possible. Submit a Parking Lot Shading Plan showing increases in parking lot shading and subject to approval of the Director of Community Development.

4. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

5. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.
- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

6. BICYCLE PARKING

- A. Provide bicycle parking spaces per VTA Bicycle Technical Guidelines as approved by the Director of Community Development(1 Class I space and 1 Class II space) .

7. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. Upgrade existing trash enclosures to commercial specifications, title SMC 19.38.030, and submit plans for approval. The required solid waste and recycling enclosure shall be of masonry construction and shall match the exterior design, materials and colors of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.

- E. Submit a detailed recycling and solid waste plan to Director of Community Development for review and approval.
- F. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.
- G. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

8. ROOF/ROOF SCREENS

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

9. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code. Signs shall be reviewed through a separate permit application.

10. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.
- C. Post labor/material/faithful performance bond for the full cost of all public street and utility improvements.
- D. Upgrade existing fire hydrant on DeGuigne Drive to Clow-Rich 75.
- E. Replace existing metal street light poles with standard concrete poles.